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LETTER DATED 4 OCTOBER 1999 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA ADDRESSED TO THE
SECRETARY-GENERAL

I have the honour to forward to you herewith the report of the Federal Republic of Yugoslavia on the situation in the negotiations with the Republic of Croatia on the solution of the disputed issue of Prevlaka, along with the enclosed letter from the head of the Yugoslav delegation to his Croatian counterpart (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex

Report of the Federal Republic of Yugoslavia to the Secretary-General of the United Nations on the situation in the negotiations with the Republic of Croatia on the solution of the disputed issue of Prevlaka

Pursuant to paragraph 5 of Security Council resolution 1252 (1999) of 15 July 1999, the Federal Republic of Yugoslavia herewith submits its report to the Secretary-General of the United Nations on the situation in the negotiations between the delegations of the Federal Republic of Yugoslavia and the Republic of Croatia on the solution of the disputed issue of Prevlaka.

The last (4th) meeting of the delegations was held in Belgrade on 9 March 1999. After the meeting, the two sides exchanged materials, presenting their opinions and argumentation regarding the legal basis on which the arguments of each side as to the extension of the inter-State border in the region of Prevlaka rest. The argumentation has been forwarded to the members of the Security Council.

Because of the aggression of the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia, the two sides have been prevented from continuing the negotiations under normal conditions on the basis of full equality and in accordance with the jointly adopted principles and procedures of conscientious negotiations.

On 14 July 1999, the Chairman of the Yugoslav delegation, Rodoljub Etinski, informed the Chairman of the Croatian delegation, Hrvoje Kacic, in a letter (see enclosure), that, following the termination of the NATO aggression, the objective obstacles for the continuation of the negotiations on the solution of the disputed issue of Prevlaka had been removed and that the Yugoslav delegation was ready to resume the negotiations without delay. In doing so, the Chairman of the Yugoslav delegation pointed out that, pursuant to the rules of procedure of the negotiations, the Yugoslav side expected Croatia to propose the holding of the next (5th) meeting of the delegations in Zagreb, at which a comprehensive consideration of the prepared argumentation was to be effected.

On 29 July 1999, the Chairman of the Croatian delegation, Hrvoje Kacic, replied to the letter of the Chairman of the Yugoslav delegation and proposed that the next meeting of the two delegations be held in Zagreb during the month of September. However, the Yugoslav delegation has not yet received a concrete invitation to the meeting.

Considering that the two sides exchanged argumentation several months ago, the Yugoslav side expects that, at the 5th meeting, the two sides will proceed to consider the argumentation seriously, comprehensively and in accordance with the principles of conscientious negotiation and their obligations under the relevant resolutions of the Security Council.

The Yugoslav side communicated its readiness to resume the negotiations and its expectation of an invitation from the Croatian side to Colonel Williams,

head of the United Nations Mission of Observers on Prevlaka (UNMOP), who met with the representatives of the Federal organs of the Federal Republic of Yugoslavia in Belgrade on 15 September 1999.

Dr. Mate Granic, Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia, presented the views and positions of the Republic of Croatia on the disputed issue of Prevlaka and the negotiations between the two sides on the solution of that issue in his statement to the General Assembly.

The Yugoslav side has been dismayed by the accusations of committing aggression and harbouring territorial aspirations he levelled at the Federal Republic of Yugoslavia, and rejects them as totally unfounded. Dr. Granic went on to say that the UNMOP mandate should be terminated soon, either by a successful completion of bilateral negotiations, a Security Council resolution or even by a unilateral action. In that connection, the Federal Republic of Yugoslavia wishes to recall the provisions of article 4 of the Agreement on the Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, signed in Belgrade on 23 August 1996, by which the contracting parties have agreed to solve the disputed issue of Prevlaka through mutual negotiations, contributing thus to the full security of the part of the territory of the Federal Republic of Yugoslavia in the region of Boka Kotorska Bay and the part of the territory of the Republic of Croatia in the region of Dubrovnik. The two sides have also committed themselves to solving that important disputed issue in the spirit of the Charter of the United Nations and the principle of good-neighbourliness. Pending a mutual agreement, the two sides have undertaken to respect the existing security regime established with the monitoring of the United Nations.

Any change of the agreement would constitute a serious violation of the international obligations of the two sides. In such a case, the Federal Republic of Yugoslavia would take all actions it is entitled to by international law. It is contrary to the principle of solving disputes in good faith and in the spirit of cooperation projected in the Agreement on the Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia to determine unilaterally the nature of the dispute and to make further negotiations contingent on the Croatian perception of the dispute.

The Federal Republic of Yugoslavia reiterates its readiness to continue the bilateral negotiations on the solution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement on the Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia and the general principles of international law.

Enclosure

Letter dated 14 July 1999 from the Chairman of the Delegation of the Federal Republic of Yugoslavia for Negotiations with the Delegation of the Republic of Croatia on Establishing the Extension of the State Border between the Federal Republic of Yugoslavia and the Republic of Croatia in Sector South and the Solution of the Disputed Issue of Prevlaka addressed to the Chairman of the Delegation for a Lasting Solution of the Security Issue of Prevlaka of the State Borders Commission of the Republic of Croatia

In accordance with their obligations under the relevant United Nations Security Council resolutions, the report of the Secretary-General and the Agreement on Normalization of Relations signed at Belgrade on 23 August 1996, the delegations of the Federal Republic of Yugoslavia and the Republic of Croatia have held four rounds of negotiations so far on establishing the extension of the State border in Sector South and the solution of the disputed issue of Prevlaka (Zagreb, 15 September 1998; Belgrade, 9 October 1998; Zagreb, 23 December 1998; and Belgrade, 9 March 1999).

Following the fourth meeting in Belgrade, the two sides exchanged materials presenting their opinions and argumentation on the legal basis on which each side rests its claims on where the inter-State border extends. These materials have been forwarded to the Secretary-General of the United Nations and the members of the Security Council.

Because of the aggression of the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia, the two sides were prevented from continuing their negotiations under normal conditions on the basis of full equality, according to jointly adopted principles and the procedures and principles of conscientious negotiating. By the cessation of the NATO aggression, objective impediments to the continuation of the initiated negotiations on the solution of the disputed issue of Prevlaka have been removed.

The Yugoslav side expresses its readiness to continue the negotiations without delay with the aim of reaching a solution for this disputed issue as soon as possible.

Considering that the last meeting of the delegations was held in Belgrade and that, in accordance with the adopted rules of the negotiating procedure (item 1), "the delegations of the two sides shall meet alternately in the territory of one and the other side", we expect that Croatia will soon propose that the next meeting be held in Zagreb. The Yugoslav side considers that a serious and comprehensive consideration of the presented argumentation should take place at the next meeting, in accordance with the principles of conscientious negotiating and the obligations under the relevant resolutions of the Security Council.

(Signed) Dr. Rodoljub ETINSKI
Ambassador
Chairman of Delegation